IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE THIRTY FIRST DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.18120 OF 2006

Between**:**

Syed Basheer Rahmat … Petitioner

Versus

The Joint Collector, Ongole,

Prakasam district & Ors. … Respondents

Counsel for the Petitioner: Mr.I. KOTI REDDY (9015)

Counsel for the Respondent: G.P. for Civil Supplies

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O R D E R :

This writ petition is filed to declare the inaction of the first respondent in not disposing of stay petition filed along with the appeal filed aggrieved by the

proceedings in RC.F/1220/2005, dated 07-1-2006 issued by the second respondent as illegal, arbitrary and unconstitutional and against the principles of natural justice and contrary to the provisions of Essential Commodities Act.

It is stated that the fair price shop dealership of the petitioner in respect of Pamur village of Pamur Revenue Mandal, Prakasam district was suspended pursuant to the case registered under section 6-A of the Essential Commodities Act dated 09-11-2004 based on the report of the Mandal Revenue Officer, Martur Mandal, Prakasam district. On the instructions of the Joint Collector, Ongole, the Revenue Divisional Officer, Ongole, Prakasam district issued show cause notice dated 18-11-2005, pending enquiry into the case for a period of three months or till the finalization of disciplinary proceedings by the impugned orders of the Revenue Divisional Officer, Ongole.

It is stated that as against the said order of the Revenue Divisional Officer, Ongole, the petitioner filed an appeal along with stay application before the Joint Collector, Ongole, Prakasam district on 25-1-2006 but the appellate authority has not considered and disposed of the stay petition till date.

Having regard to the facts and circumstances of the case, without expressing any opinion, I consider it appropriate to direct the appellate authority to consider and dispose of the same within two weeks and thereafter the main appeal may be disposed of within four weeks after affording reasonable opportunity of hearing the

petitioner. Irrespective of the appeal pending before the appellate authority, the order of suspension pending enquiry into the matter, the Revenue Divisional Officer, Ongole, Prakasam district, is directed to complete the disciplinary proceedings within six weeks from the date of receipt of a copy of the order, on merits and in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JANUARY 31st, 2005. ----------

l s L. V. ESWARAIAH, J.